

Request for Proposal (RFP)

City Attorney Services

(Civil)

Submission Deadline: June 30, 2023

Contact/ Questions / Submittal Address:

City of Livingston

Lisa L. Lowy, Administrative Services Director

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Livingston, MT 59047

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Any questions about this RFP should be directed to: Lisa L. Lowy Administrative Service and HR Director
via email at: HR@livingstonmontana.org.

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Request for Proposal (RFP)

The City of Livingston (City), Montana is seeking an attorney to provide City Attorney services on a contract basis. Attorneys are invited to submit qualifications and proposals for the provision of legal services. In order to be considered and be a complete submission, the proposal must address each of the concerns addressed in this document including rates and fees.

Introduction

The City of Livingston has a population of approximately 9,000 citizens and provides residents with administrative, police, fire, ambulance, public works, recreation, planning and zoning, and building services. The city requires legal services in all of the operational areas and aspects of our government.

Scope of Services / Description of Responsibilities

The City Attorney will be responsible for providing general municipal counsel, basic legal services and advice on special projects, contracts, grant administration and other duties of a civil nature. Accessibility to and a timely response from the attorney is essential to this position and is required.

General municipal counsel of the City Attorney includes but is not limited to: (1) having charge of all litigation in which the City is a party; (2) representing the City in all legal matters and proceedings in which the City is a party or has interests; (3) advising the City Commission or City Manager or department heads and all other officers and agencies of the City as to all legal questions affecting the City's interests; (4) approving as to form all ordinances, contracts, deeds, bonds, and any other documents to be signed in the name of, or made to or with the City; (5) attending City Commission meetings, regularly scheduled, special or work sessions (may be done on a remote or virtual basis).

Basic Legal Services include but are not limited to: (1) drafting or reviewing ordinances, resolutions, contracts, agreements deeds and easements; (2) providing advice regarding government operations, elections, open meetings, closed meetings and open records, City ordinances, State law, routine matters, personnel matters and property matters including land acquisition and sale, annexation, zoning, condemnation and public finance; (3) reviewing agendas and materials for City Commission meetings, attending meetings as needed or instructed, anticipating and preparing legal advice or opinions on items to be addressed by the

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City Commission as deemed necessary by the City Manager, which are generally held on the first and third Tuesday of the month in the evening from 5:30 pm to 8:30 pm with occasional extended meetings; (4) review lawsuits and claims filed against the City and offer recommendations on how to proceed; (5) prepare and prosecute or defend civil matters not otherwise assigned; (6) provide legal opinions upon request, (7) use a wide variety of legal research methods, (8) establish and maintain effective working relationships with those contacted in the course and scope of this work; (9) assist City officials, elected officials and employees to maintain awareness of ethical standards and appearance of fairness standards, and to avoid potential prohibited transactions; (10) assist administration, elected officials and employees to understand the legal roles and duties of their respective offices and inter-relationships with others; (11) have clear and concise communication skills.

Generally, the City Attorney may anticipate the job requiring approximating 80 hours per month. City staff may produce initial drafts of items like ordinances, resolutions, or revisions of code sections, prior to the Attorney's review. The City may use additional outside specialized counsel as necessary.

The City Attorney will be required to provide a detailed, itemized billing on a monthly basis in order to avoid misunderstanding.

The City Attorney will be required to generally familiarize themselves with the general municipal law and keep abreast of legislation impacting cities and completion of CEUs outside the scope and billable hours of the City Attorney role.

Additional Information

- (1) The attorney / firm awarded this contract shall have the contract approved by the Livingston City Commission in a public meeting.
- (2) The attorney / firm awarded this contract will be provided general liability and Worker's Compensation by the City's Insurer for work and occurrences arising from the performance of their duties on behalf of the City while under this agreement. The City's coverage shall be deemed primary for such occurrences.
- (3) It is recognized that the City Attorney will be performing professional services during the term of this contract for other parties and that the City is not the exclusive user of the attorney's services. Any conflicts of interest will be declared immediately upon discovery.
- (4) The City Attorney will adhere to the statutes of the State of Montana and the rules of the Montana Supreme Court in providing services.

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Minimum Qualifications

For consideration an attorney or firm must have at minimum:

1. Juris Doctorate from an accredited school of law
2. License to practice law in the State of Montana
3. No license limitations or discipline in the last 5 years
4. Be a member in good standing with the Montana Bar Association
5. Be a member in good standing with the United States District Court for the District of Montana
6. Have at least 5 years of experience in the practice of law, experience with land use, zoning and municipal government operations and liability strongly preferred
7. Firm or practice must be located within the State of Montana

Submitting an RFP

If you are interested in submitting a proposal in response to this RFP and meet **all** of the above minimum qualifications, please provide the following information in your submission:

1. Name and contact information, including email along with the year you began practicing law, and same information for anyone that may serve in your place under this contract.
2. A current resume / CV for you and anyone potentially serving in your place.
3. Summary of qualifications specific to practicing municipal law in the areas referenced above.
4. List of any current clients that may be considered a conflict of interest and how you would address and resolve those conflicts.
5. If you or your firm have filed any litigation in the last five (5) years against the City of Livingston, one of its elected officials or any of its employees, please describe the litigation.
6. Other factors or special considerations you believe would provide favorable consideration for your proposal.
7. List of references and contact information – minimum if 5.
8. Proposed hourly rates or other alternative proposed rate structure for the services outlined above. These rates should be all inclusive of your overhead and ordinary office and operational expenses.
9. Sample of your monthly itemized bill.
10. A writing sample of a legal opinion or similar document. The content should be pertinent to the expected work handled by a City Attorney advising municipalities in Montana.

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Other Terms and Conditions

1. The City reserves the right to reject some or all of the submissions.
2. The City is also potentially filling this position as an employed position and may potentially not contract for services. This RFP and a recruitment search will be running concurrently.
3. All proposal responses become property of the City of Livingston and the City retains the right as to how information in those proposals is utilized internally and publicly.
4. All proposals are subject to the transparency laws of the State of Montana and should be considered to be in the public domain.
5. Contracts shall be awarded based on best qualifications and experience to meet the City's needs with a mutually agreed upon start date.
6. The City reserves the right to waive any variances from the original RFP requirements in cases where the variances are considered to be at the sole discretion of the or in the best interests of the City.

Evaluation and Selection Criteria

1. Qualifications of the applicant for the position
2. Quality and extent of services proposed in the RFP response
3. Experience with and familiarity of the varied aspects of local government operations and services in the State of Montana.
4. References
5. Compliance with and completeness of the response to the Request for Proposal.
6. Other criteria which pertain to providing effective and efficient legal services such as availability for questions and contact, timeliness, responsiveness and follow through.

How To Submit a Proposal

Electronic proposals are *strongly preferred* and should be sent to Lisa L. Lowy, Administrative Service and HR Director at HR@livingstonmontana.org.

Hard copies may be submitted at Livingston City Hall, 220 E Park Street, Livingston, MT 59047. City Hall office hours are Monday through Thursday 8am – 5pm and Friday 8am – 4pm.

Proposals may be mailed to the address above. Please allow sufficient time for them to be received by the deadline.

Incomplete submissions or one received after 5pm on June 30, 2023 will be disqualified.